

# Grant County Planning Commission

## May 27<sup>th</sup>, 2003

The May 2003 regular meeting of the Planning Commission was called to order by John Lawrence at 7:00 p.m.

Those in attendance: John Lawrence, Vernon Webster, Marvin Faulkner, Nancy Duley, Brooke Rider, Stephen Fritz, Stephen Mann, William Covington, Nick Kinman, Bill Marksberry, Tony Pangallo and Tom Nienaber.

There was a quorum present.

### ITEM 1. MARCH & APRIL MINUTES

Vernon Webster made a motion to approve the meeting minutes for March, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

William Covington made a motion to approve the meeting minutes for April, Stephen Fritz seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

### ITEM 2. APRIL FINANCIAL REPORT

Stephen Mann made a motion to approve the financial report for April, Nancy Duley seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

### ITEM 3. ADMINISTRATORS REPORT

Jonathan stated that he had asked John Lawrence to call a special meeting for June 12<sup>th</sup>, 2003 at which there will be public hearings for zone changes as well as a public hearing for the countywide Zoning Ordinance which will be available on June 1<sup>st</sup>. He stated that once the Commission approves the Ordinance it will be forwarded to the legislative bodies and he asked that at least one representative from each of those attend the City or Fiscal Court 1<sup>st</sup> reading to answer any questions.

### ITEM 4: TEXT AMENDMENT - CITY OF CRITTENDEN

John Lawrence declared the public hearing open.

Ed Lorenz, representing the City, stated that the request was to remove 2 family dwellings from the permitted use in the R2 and R3 zone to conditional uses in those zones, which would require Board of Adjustment approval. The request also includes changing the lot area and setback requirements in those zones.

John Lawrence declared the public hearing closed and asked if anyone wished to speak for or against the request. No one spoke for or against.

Jonathan stated that since 1995 only 33 duplexes were built in the City and 251 single-family homes were built. He asked if duplexes were becoming a problem for the city.

Mr. Lorenz stated that in recent they have become a problem and that it is compounded by the number of multi family units in the City.

Nancy Duley stated that most of Main Street in the City is zoned R3 and without this change duplexes could take over the area.

Mr. Lorenz stated that there is a significant amount of land zoned R3 which is the motive to move the duplexes to the conditional use so that the Board can review and see if they are needed in the area.

Stephen Mann asked what the process would be to have a duplex approved.

Jonathan stated that the applicant would make application to the Crittenden Board of Adjustment and they county approve, approve with conditions or deny the request for the duplex. He also stated that he recommended approval of the requested text amendment.

Vernon Webster made a motion to approve the text amendment, Nancy Duley seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

### ITEM 5: ZONE CHANGE - RYAN A1 TO R1

May 27<sup>th</sup> 2003

APPLICANT: Nick Ryan

GENERAL LOCATION: An approximate 2.7501 acre area located on the north side of Osborne Rd., approximately 1 miles northeast of KY. Rt. 467 (Warsaw Road)

REQUEST: to change the zoning of the property from A1 - Agricultural-One to R1 - Residential-One.

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Steve Howe, representing the applicant, stated that the applicant owns 13.27 acres on Osborne Road and is requesting that 2.7501 acres be changed to R1. He said that the plan was either to construct a home for himself on the 2 acres or sell the 2 acres and build on the 10-acre tract. He stated that the applicant has provided a signed document stating that he will not subdivide the 2 acres.

John Lawrence asked if anyone wished to speak for or against the request.

Mr. Gould stated that he owns the 1.6-acre tract next to Mr. Ryan and that it was deeded to him in the 70s. He stated that previously Mr. Ryan wanted to change the entire property to residential and he is not sure what the plans are for the 10 acres.

Mr. Howe stated that there are no plans for the 10 acres at this point.

Mr. Gould said that he is not opposed to the residential zoning but is concerned that there is a lot of land on the road for sale and where is this going to lead to down the road. He said that they are widening the road on the ridges but they cannot do anything on the hills. He said that he is worried about how populated it will get and once 1 is zoned residential everyone will want to be zoned residential. He presented pictures to the commission of the roadway and written statements from school bus driver and a landowner.

Wayne Meyer stated that the majority of the owners are against the request and that this sets a precedent to have hundreds of houses and hundreds of kids on the road. He also asked if the Comprehensive Plan required an 18-foot wide roadway.

Jonathan stated that the Subdivision Regulations set out the road requirements.

Mr. Meyer added that the hill is dangerous, there is a 1-lane bridge and all of the road is only 12-14 feet wide.

Linda Dunn stated that she schedules her travel so that she does not meet a school bus because the road is so narrow and that she had been on the hill when the school bus and another car were there and there was no place for anyone to go.

Mr. Schlensker stated that they are widening the road but that doesn't fix the problem on the hills and there are 3 blind spots, 3 impassable points and a 1 lane bridge. He stated that the recent homes built on the road were on agricultural land and they stated agricultural. He stated that when he bought the property he expected other properties to stay agricultural and that he has nothing against 1 more house but has a problem with changing the zoning and what effect that will have in the future.

Mr. Were stated that he bought property from Mr. Schlensker after looking for 3 years because he liked the agricultural area and doesn't want the property to change to residential. He said that if residential is approved to him others will say why not approve for me. He said that he made an agreement with Mr. Schlensker that he would keep his property agricultural and that he plans to have horses and does not want complaints from residential neighbors.

John Lawrence declared the public hearing closed.

Jonathan read the staff recommendation-recommending approval because the proposal is in compliance with the adopted comprehensive plan with conditions. Findings: 1. Proposed development does "encourage the use of viable agricultural development." 2. roadway is sufficient enough to accommodate the amount of traffic that could be generated from the proposed zoning classification. CONDITION: proposed lot not be re-subdivided.

Stephen asked if it was the tract being rezoned that was not to be re-subdivided.

Jonathan stated that it was.

John Lawrence asked why they were requesting R1.

Mr. Howe stated that R1 was more restrictive than RR.

Stephen stated that all the comments from the public were valid comments but they must realize that the commission is just looking at this piece of property to be rezoned.

Vernon Webster made a motion to approve the request based on the staff findings and it is in agreement with the comprehensive plan and would not create a lot of traffic on the road, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

#### **ITEM 6: ZONE CHANGE - FAEGAN A1 TO R1**

APPLICANT: Jerry Feagan

GENERAL LOCATION: An approximate 1 acre area located on the north side of Lemon Northcutt Rd., approximately 2.3 miles east of Route #25

REQUEST: to change the zoning of the property from A1 - Agricultural-One to R1-Residential One

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Mr. Faegan stated that the request was to take off the tenant house with an acre of land in order to be able to put a second home on the farm for his son.

John Lawrence asked if anyone wished to speak for or against the request. No one spoke for or against the request.

Jonathan stated that the existing out building would have to be moved because the new property line goes through the building.

Mr. Neinaber stated that the Commission cannot create a non-conforming structure.

Mr. Faegan stated that it was a portable building and that he would be honest and say that he would move the building by the deadline but would then move it back.

Mr. Neinaber stated that the Commission could make it a condition that the building be moved and then it would be up to the Administrator to enforce the restriction.

Jonathan read the staff recommendation, which was approval of the zone change because the proposal is in compliance with the adopted Comprehensive Plan with conditions. Findings: 1. proposed development does "encourage the use of viable agricultural development." 2. roadway is sufficient enough to accommodate the amount of traffic that could be generated from the proposed zoning classification. CONDITION: that the out building that sits on or near the proposed property line be moved to meet the minimum requirements of the Zoning Ordinance.

John Lawrence declared the public hearing closed.

Stephen Mann made a motion to approve the request with the condition that the portable building be moved to meet the requirements, based on the finding of fact listed by the staff recommendation, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

#### **ITEM 7: CLAIBORNE ESTATES- IMPROVEMENT PLAT**

Logan Murphy stated that this was Phase 3 of the subdivision which started in 1955 or 1996. He said that this property was annexed and zoned R2 in November.

John Lawrence read a letter from Erpenbeck engineers recommending approval of the plat.

Nick Kinman made a motion to approve the plat, Stephen Fritz seconded the motion. A hand vote was taken all members in attendance of the meeting voting in favor of the motion. Motion passes.

#### **ITEM 8: CEDAR CREST- IMPROVEMENT PLAT**

Craig Moore stated that this plat show adding of a cul-de-sac to the end of the street.

John Lawrence read a letter from Erpenbeck Engineers stating that they recommend approval of the plat.

Stephen Mann made a motion to approve the plan, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

#### **ITEM 9: LYNESS COURT - FINAL PLAT**

Logan Murphy stated that this plat was the Final Plat of the subdivision in which the preliminary was approved last month.

John Lawrence read a letter from Erpenbeck Engineers stating that they recommend approval of the plat.

Marvin Faulkner made a motion to approve the plan, Stephen Fritz seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

#### **ITEM 10: CLAIBORNE ESTATES - FINAL PLAT**

John Lawrence read a letter from Erpenbeck recommending approval of the plat.

Stephen Fritz made a motion to approve the plan, Stephen Mann seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

**ITEM 11: CEDAR CREST - FINAL PLAT**

John Lawrence read a letter from Erpenbeck recommending approval of the plat with the condition that a bond for \$22,000.00 is posted.

Craig Moore requested that the plat be approved with the condition that the bond is in place before the final plat is signed.

Jonathan asked if anywhere on the plat it stated what property was zoned R1 and what was zoned A1.

Craig Moore said that could be added to the plat.

Nick Kinman made a motion to approve the plan with the following conditions: 1. correct the street name to ambassador 2. bond be approved 3. line designating zoning on lot E & F 4. statement on the plat that it is zoned R1, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

**ITEM 12: CRITTENDEN INTERSTATE PLAZA - FINAL PLAT**

John Lawrence read a letter from Erpenbeck recommending approval of the plat.

Stephen Mann made a motion to approve the plat, Stephen Fritz seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

**ITEM 13: JAMES LYNN CALDWELL - SITE PLAN**

Jerry Keith stated that the Commission approved this plat in November with the condition that a variance be granted by Crittenden, Crittenden then approved the variance with the condition that the Commission approve the changes to the Site Plan.

John Lawrence read a letter from Erpenbeck recommending approval of the plat.

Marvin Faulkner made a motion to approve the plat, Nick Kinman seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

**ITEM 14. CONVEYANCE PLATS**

The commission reviewed a list of the conveyance plats approved during April & May. See attached sheet for list

Vernon Webster made a motion to approve the list as presented, Brooke Rider seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

**Item 15. Executive Session**

none

**Item 16: Other Business**

none

**Item 17. Adjournment**

Nick Kinman made a motion to adjourn, Stephen Mann seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

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**JOHN LAWRENCE, CHAIRMAN - DATE**

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**NICK KINMAN, SECRETARY - DATE**